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| STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION | | Docket Number (Optional) 1441-00109 |
| Applicant, Patentee, or Identifier: <u>S. Ward Casscells, III et al.</u> | | |
| Application or Patent No.: <u>Not Yet Assigned</u> | | |
| Filed or Issued: <u>Concurrently Herewith</u> | | |
| Title: <u>Method and Apparatus for Detection of Vulnerable Atherosclerotic Plaque</u> | | |
| I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below: | | |
| NAME OF NONPROFIT ORGANIZATION <u>Texas Heart Institute</u> | | |
| ADDRESS OF NONPROFIT ORGANIZATION <u>P.O. Box 20345</u> <u>Houston, Texas 77225-0345</u> | | |
| TYPE OF NONPROFIT ORGANIZATION: | | |
| <input type="checkbox"/> UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION | | |
| <input checked="" type="checkbox"/> TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) | | |
| <input type="checkbox"/> NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE _____) (CITATION OF STATUTE _____) | | |
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| I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in: | | |
| <input checked="" type="checkbox"/> the specification filed herewith with title as listed above. | | |
| <input type="checkbox"/> the application identified above. | | |
| <input type="checkbox"/> the patent identified above. | | |
| I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). | | |
| Each person, concern, or organization having any rights in the invention is listed below: | | |
| <input checked="" type="checkbox"/> no such person, concern, or organization exists. | | |
| <input type="checkbox"/> each such person, concern, or organization is listed below. | | |
| I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)) | | |
| NAME OF PERSON SIGNING <u>Michael G. McGee</u> | | |
| TITLE IN ORGANIZATION OF PERSON SIGNING <u>Vice President, Research Administration</u> | | |
| ADDRESS OF PERSON SIGNING <u>1101 Bates St. MC3-116, Houston, TX 77030</u> | | |
| SIGNATURE <u><i>Michael G. McGee</i></u> DATE <u>11-9-98</u> | | |

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09183361-110998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: S. Ward Casscells, III et al. §
 SERIAL NO.: Not Yet Assigned § GROUP ART UNIT:
 FILED: Concurrently Herewith § EXAMINER:
 FOR: Method and Apparatus for §
 Detection of Vulnerable §
 Atherosclerotic Plaque §

Attorney Dkt. No. 1441-00109

Date: October 28, 1998

POWER OF ATTORNEY BY ASSIGNEE

Under the provisions of 37 C.F.R. §§ 3.71 and 3.73(b), the undersigned assignee of record of the entire interest in the above-identified patent/patent application by virtue of an assignment recorded (check as applicable):

☒ Concurrently herewith
☐ Date Recorded _____
☐ Reel _____ Frame _____;

and/or

☐ by virtue of the documents attached hereto showing chain of title into Assignee,

elects to conduct the prosecution of the application/maintenance of the patent to the exclusion of the inventor(s). The undersigned hereby declares that he has reviewed the above-referenced evidentiary document(s) and certifies that, to the best of his knowledge and belief, title is in the Assignee, and further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true. The assignee hereby revokes any previous powers of attorney and appoints the following to prosecute this application/maintain this patent and transact all business in the Patent and Trademark Office connected therewith:

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ASSIGNEE**TEXAS HEART INSTITUTE**Date: 11-9-98

By: *Michael G. McGee*
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 Title: Vice President, Research Administration